THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte TOSHIYUKI KAWATA

_____

Appeal No. 95-1516
Application 07/672,497[1]

_____

RECONSIDERATION

_____

Before THOMAS, KRASS, and FLEMING, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

ON REQUEST FOR RECONSIDERATION

Appellant requests reconsideration of that part of our decision of June 19, 1997 wherein we entered a new ground of rejection, in accordance with 37 CFR 1.196(b), against claims 1 through 3 and 5 under 35 U.S.C. ' 103. Presumably, appellant has no problem with our reversal of the examiner's rejection of claims 1 through 6 under 35 U.S.C. ' 103 and ' 112.

The new ground of rejection was against claims 1 through 3 and 5 under 35 U.S.C. ' 103 over Hirane in view of Zeise and Suzuki. Our reasoning is set forth on pages 10-11 of the decision of June 19, 1997 and we make reference thereto. Appellant contends that this new ground of rejection is improper.

In particular, appellant asserts two points:

1. That we did not take into account the limitation of claim 1 which recites

> a density correction circuit for outputting corrected picture signal data to said shift register in accordance with the correction density data selected by said density selective circuit

and that none of the cited references teaches or suggests this claimed limitation. Appellant contrasts this limitation with the teaching in Suzuki of encoder 43 outputting a binary 1 on signal line S if the pixel pattern surrounding center pixel X in register 38 corresponds to either a black or white line.

2. That the laser beam intensity in Suzuki is controlled by the binary output S of encoder 43 so that the intensity may be varied only between two levels in contrast to the image processing system of the instant invention which can

[1] Application for patent filed March 20, 1991.

control the amount of current individually for each pattern detected.

We will respond to appellant's points in order:

1. As our decision indicated at the top of page 11, we did take the claimed "density correction circuit" into account, identifying such as being taught by Suzuki. Clearly, encoder 43
in Suzuki is the density correction circuit since it controls the laser beam intensity in order to prevent thickening of a black fine line [see column 4, lines 12-19 of Suzuki]. The encoder 43 outputs a signal S in accordance with correction density data selected by a density selective circuit [i.e., nine pixel data outputs from the pixel X and adjacent pixels A-H are supplied to the encoder-column 4, lines 12-14 of Suzuki]. When this teaching of providing for a sharper, finer image is taken together with the teachings of Hirane and Zeise, for the reasons recited at pages 10-11 of our decision, the artisan would clearly have arrived at the claimed subject matter.

It is true that Suzuki does not show the corrected picture signal data being input to a shift register in the LED head, as claimed. However, Suzuki is employed to show the obviousness of using a line memory, a density selective

circuit and a density correction circuit, as claimed, for providing sharper, finer images. Upon modifying the Hirane device, whose shift register has been replaced with the 3-bit shift register of Zeise, the output of the density correction circuit would have been provided to the shift register in order to refine the image represented by the data therein.

2. With regard to appellant's argument that the laser beam intensity of Suzuki is varied only between two levels in contrast to the instant invention wherein the image processing system can control the amount of current individually for each pattern detected, while this may be so, the individually controlled current for each pattern detected and the number of laser beam intensity levels form no part of the instant claimed subject matter. However, to the extent that appellant is claiming such individually controlled current for each pattern detected in instant claim 2, the applied references do teach a plurality of LEDs as the light source and Hirane teaches a plurality of current control circuits for controlling an amount of current supplied to the LEDs.

Appellant's arguments have not convinced us of any error in our decision of June 19, 1997. Accordingly, appellant's request for reconsideration has been granted to the extent

that we have reconsidered our decision but the request is denied with respect to making any changes therein.

DENIED

James D. Thomas Administrative Patent Judge	)	
Errol A. Krass Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
Michael R. Fleming Administrative Patent Judge	)	

Appeal No. 95-1516
Application No. 07/672,497

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